IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO :21924 of 1997

Dated 31st January, 2007

Between

Medavaram Subrahmanyam

...Petitioner

and

The Commissioner of Endowments, Government of AP Hyderabad and anr

...Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 21924 of 1997

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the respondents in not allowing him to render archakatvam in the second respondent-temple as illegal and arbitrary.

It is the case of the petitioner that the members of the petitioner family are the hereditary archakas of Sri Bhramaramba Devi Temple in Srisailam of Kurnool district, and the father of the petitioner, by name, M.Subbaramaiah and his cousin brother, M.Venkatasubbaiah have been declared as hereditary archakas of the said temple. It is submitted that for some time, they were paid shares in the

ticket collections towards their remuneration, which was the custom in vogue. It is the case of the petitioner that after his retirement from the Central Government service, he was allowed to perform duties of archakatwam from 1-3-1993, but however, from 1-6-1996, the respondents without any authority of law and jurisdiction, are not allowing him to perform the duties of archakatwam.

In this Writ Petition, mainly, it is the case of the petitioner, that the members of his family are having hereditary rights of archakatwam and prior to his retirement from government service, his nominee was performing duties of archakatwam; as such, he is entitle to continue as archaka of the second respondent-temple in view of the provision under Section 34(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 ('the Act' for brevity).

Hereditary rights of Archakas, Mirasidars, other office holders and servants were abolished by virtue of Section 34 of the Act. The validity of the said provision was questioned before the Supreme Court in Writ Petition No. 638 of 1987 and the Supreme Court upheld the validity of the said provision in the judgment delivered in the case of *A.S. Narayana Deekshitulu Vs. State of A.P*[1]. Though it is the case of the petitioner that the father of the petitioner and his cousin brother are the hereditary archakas of the said temple, but in view of the provisions under Sections 34 and 35 of the Act, the petitioner cannot claim any right. The

contention of the learned Counsel for the petitioner that the petitioner is entitle to continue as archaka of the second respondent-temple notwithstanding the abolition of hereditary rights by virtue of Section 34(2) of the Act also cannot be accepted. The continuance of the persons to hold the office in any religious institution or endowment, notwithstanding the abolition of hereditary rights by virtue of Section 34(2) of the Act was confined to office holder and servants, who were pulling the office on the date of commencement of the Act. As far as the petitioner is concerned, he was in the government service till 1993, where as, the Act came into force on 28-5-1997. In that view of the matter also, the petitioner is not entitle for any benefit of continuance as archaka of the second respondent-temple as pleaded in terms of Section 34(2) of the Act.

For the foregoing discussion, the petitioner is not entitle for relief as sought in the Writ Petition.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 31-01-2007
Msnr.

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[1] AIR 1996 SC 1765